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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/695,627	10/27/2003	Thomas D. Wolfe	1978.009	3902

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EXAMINER
VO, HIEN XUAN

ART UNIT	PAPER NUMBER
2863	

DATE MAILED: 03/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	10/695,627	WOLFE, THOMAS D.
	Examiner	Art Unit	
	Hien X. Vo	2863	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>27 October 2003</u>.
2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-23</u> is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) <u>1-23</u> is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.
10)☒ The drawing(s) filed on <u>27 October 2003</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All   b)☐ Some * c)☐ None of:
      1.☐ Certified copies of the priority documents have been received.
      2.☐ Certified copies of the priority documents have been received in Application No. _____.
      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>03/08/04</u>.
4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5)☐ Notice of Informal Patent Application (PTO-152)
6)☐ Other: _____.

DETAILED ACTION

Information Disclosure Statement

1.   The information disclosure statement (IDS) submitted on 03/08/04. The

submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the

information disclosure statement is being considered by the examiner.

Specification

2.   The disclosure is objected to because of the following informalities: a

continuation in part of "Application No. 09/213,781 filed Dec. 17, 1998 now U.S. Pat.

No. 6,332,180" is typo. Appropriate correction is required.

Double Patenting

3.   The nonstatutory double patenting rejection is based on a judicially created
doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the
unjustified or improper timewise extension of the "right to exclude" granted by a patent
and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11
F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225
USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA
1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970);and, *In re Thorington*,
418 F.2d 528, 163 USPQ 644 (CCPA 1969).
       A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be
used to overcome an actual or provisional rejection based on a nonstatutory double
patenting ground provided the conflicting application or patent is shown to be commonly
owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

4.   Claims 1-9, 12-13, 16, 18-23 rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-9, 11-13, 20-22, 24-26 of U.S. Patent No. 6,560,543.

10/695,627	U.S. No. 6,560,543
1. A method for remotely monitoring the operating performance parameters for a water treatment system, comprising the steps of: a) providing at least one sensor assembly effective for monitoring critical water parameters and transmitting raw operating data via a communications interface; b) coupling at least one said sensor to an internet server computer via said communications interface; c) transmitting said raw data using to a remotely located internet server computer; d) storing said transmitted raw data on said Internet server computer; e) accessing such data asynchronously from said internet server computer; f) manipulating said transmitted and stored raw data into an analysis result and a report result; and g) uploading said analysis result and said report result to an Internet web server in a format suitable for access and visualization with a web browser computer program.	1. A method for remote monitoring the daily operating performance parameters for a water treatment system employing an electronic control system comprising the steps of: a) accessing raw operating data from said electronic control system; b) providing a storage means on a local computer for storing said raw operating data in an electronic format; c) coupling said local computer to an Internet server computer; d) transmitting said stored raw data using transmission methods to a remotely located Internet server computer; e) storing said transmitted raw data on said Internet server computer; f) accessing such data asynchronously from said Internet server computer; g) manipulating said transmitted and stored raw data into an analysis result and a report result; and h) uploading said analysis result and said report result to an Internet web server in a format suitable for access and visualization with a web browser computer program.
2. The method of claim 1, further including a step of filing said report result with an appropriate regulatory agency.	2. The method of claim 1, further including the step of filing said report result with an appropriate regulatory agency.
3. The method of claim 1, further including a step of transmitting said report result directly to an appropriate regulatory agency using electronic transmission means.	3. The method of claim 1, further including the step of transmitting said report result directly to an appropriate regulatory agency using electronic transmission means.
4. The method of claim 3, wherein said electronic transmission means is via e-mail.	4. The method of claim 3, wherein said electronic transmission means is via e-mail.
5. The method of claim 3, wherein said electronic transmission means is via ftp (file transfer protocol).	5. The method of claim 3, wherein said electronic transmission means is via ftp (file transfer protocol).

6. The method of claim 3, wherein said electronic transmission means is via direct connection over the Internet to a database located on a remote computer. 7. The method of claim 1, wherein said step of manipulating said transmitted and stored raw data includes routines to notify selected individuals on the basis of the stored parameters relating to the performance of the system being analyzed. 8. The method of claim 1, wherein said step of manipulating said raw data includes routines to notify selected individuals on the basis of said selected parameters relating to compliance testing dates and performance criteria. 9. The method of claim 1, wherein said step of accessing said raw operating data from said at least one sensor includes the steps of reading, querying, and storing data accessed from said electronic system by use of said communications card interface.	6. The method of claim 3, wherein said electronic transmission means is via direct connection over the internet to a database located on a remote computer. 7. The method of claim 1, wherein said step of manipulating said transmitted and stored raw data includes routines to notify selected individuals on the basis of the stored parameters relating to the performance of the system being analyzed. 8. The method of claim 1, wherein said step of manipulating said raw data includes routines to notify selected individuals on the basis of said selected parameters relating to compliance testing dates and performance criteria. 9. The method of claim 1, wherein said step of accessing said raw operating data from said electronic control system includes the steps of reading, querying, and storing data accessed from said electronic system by use of a communications card interface.
12. The method of claim I, wherein said water treatment system produces potable water. 13. The method of claim 1, wherein said water treatment system includes secondary and/or tertiary treatment. 16. The method of claim 14, wherein said electronic control system is defined as a programmable logic controller (PLC).	11. The method of claim 1, wherein said water treatment system produces potable water. 12. The method of claim 1, wherein said water treatment system includes secondary and/or tertiary treatment. 13. The method of claim 1, wherein said electronic control system is defined as a programmable logic controller (PLC).
18. The method of claim 1, further including the steps of: h) comparing said analysis result with known optimum performmance parameters; i) determining differentials between said known optimum performance parameters and the analysis result; and j) sending notifications to pre-determined recipients if known limits for said differentials are exceeded. 19. The method of claim I, further including the steps of: h) comparing said analysis result with known Federal and State EPA parameters; i) determining differentials between said known Federal and State EPA parameters and the analysis result; and j) sending notifications to pre-determined recipients if known limits for differentials are exceeded. 20. The method of claim I, further including the steps of: h) comparing said report result with know Federal and State EPA parameters; i) determining the differential between said known Federal and State parameters and the report result; and j) sending notifications to pre-determined recipients if known limits for said differentials are exceeded. 21. The method of claim 1, further including the steps of converting said transmitted and stored raw operating data into visual graphs.	20. The method of claim 1, further including the steps of: I) comparing said analysis result with known optimum performance parameters; j) determining differentials between said known optimum performance parameters and the analysis result; and k) sending notifications to pre-determined recipients if known limits for said differentials are exceeded. 21. The method of claim 1, further including the steps of: I) comparing said analysis result with known Federal and State EPA parameters; j) determining differentials between said known Federal and State EPA parameters and the analysis result; and k) sending notifications to pre-determined recipients if known limits for differentials are exceeded. 22. The method of claim 1, further including the steps of: I) comparing said report result with know Federal and State EPA parameters; j) determining the differential between said known Federal and State parameters and the report result; and k) sending notifications to pre-determined recipients if known limits for said differentials are exceeded. 24. The method of claim 1, further including the steps of converting said transmitted and stored raw operating data into visual graphs.

22. The method of claim 1, further including the steps of converting said transmitted and stored raw operating data into statistical reports.	25. The method of claim 1, further including the steps of converting said transmitted and stored raw operating data into statistical reports.
23. The method of claim 1, further including the steps of converting said transmitted and stored raw operating data into a compliance calendar.	26. The method of claim 1, further including the steps of converting said transmitted and stored raw operating data into a compliance calendar.

Although the conflicting claims are not identical, they are not patentably distinct from each other because the independent claims of the subject application differ from the patented claims in having the phrase: "providing at least one sensor assembly effective for monitoring critical water parameters and transmitting raw operating data via a communications interface; coupling at least one said sensor to an internet server computer via said communications interface" or the equivalent language. In contrast the Patent claims "electronic control system and programmable logic controller (PLC) and a communications card interface to access raw data for monitoring water parameters and transmitting raw data to an internet server computer. Therefore, the subject claims are narrower than the Patent claims. It would therefore have been obvious to modify the claims of Patent No. 6,560,543 to claim the more limited " the sensor assembly effective for monitoring critical water parameters ". in order to provide more accurate for monitoring the drinking water itself to ensure that it meets all drinking water standards.

Claims 10-11, 14-15, 17, rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-9, 11-13, 20-22, 24-26 of U.S. Patent No. 6,560,543 in view of Wolfe (U.S. Patent No. 6,332,110).

With respect to claims 10-11, 14-15, 17, the patent No. 6,560,543 discloses the invention as claimed except for teaching the communications interface is integral to the sensor assembly, sensor assembly is operable to transmit raw operating data in real time, at least one sensor assembly is in communication with a local computer and said internet computer in a parallel arrangement effective for simultaneous transmission of said raw operating data, and said local computer includes a software program operable to perform the steps of reading, querying, and storing data accessed from said at least one sensor. However, the patent No. 6,332,110, discloses the communications interface is integral to the sensor assembly (see e.g. col. 2, lines 59-61), sensor assembly is operable to transmit raw operating data in real time (see e.g. col. 3, lines 1-6), at least one sensor assembly is in communication with a local computer and said internet computer in a parallel arrangement effective for simultaneous transmission of said raw operating data and the local computer includes a software program operable to perform the steps of reading, querying, and storing data accessed from said at least one sensor (see e.g. Figs. 3-4 and col. 9, lines 28-34 and col. 10, lines 1-3). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include all types of sensor module and software program operable to perform the monitoring of water treatment as taught in Patent No. 6,332,110 into the patent No. 6,560,543 to provide an economically way and providing the consumer with a real time analysis that can be viewed and verified at any time and from any location having access to the internet.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hien X. Vo whose telephone number is (571) 272-2282. The examiner can normally be reached on M-F (8:00-5:30) First Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Barlow can be reached on (571) 272-2269. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Hien Vo
03/01/05

BRYAN BUI
PRIMARY EXAMINER